

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-3469

KARL E. GARY; OSCAR R. IAMS; SHIRLEY J. IAMS; CHARLES W.
PHILLIPS; DAVID HIGGENBOTHAM; JUDITH HIGGENBOTHAM; MARY ANN
NEELY; CHARLES AMBROSE WHITLATCH, JR.; DEBRA ANN WHITLATCH;
DONALD WHITLATCH; FRANCIS E. WHITLATCH; HENRY ABNER
WHITLATCH;
NORMA JEAN WHITLATCH; ROBERT PHILLIPS; WILLIAM H. WHITLATCH;
KATHY L. WHITLATCH; ALFRED R. CHAMBERS, as power of Attorney for
Gary J. Pierson; ALFRED R. CHAMBERS, JR.; ALBERT R. CHAMBERS,
as Power of Attorney for Winifred J. Pierson; PAUL R. PHILLIPS;
BARBARA SWARTZMILLER; CHARLES E. WHITLATCH; PATRICIA
WHITLATCH;
NETTIE PHILLIPS MORRIS; EDNA PHILLIPS SCHRADER; VIRGINIA
KENNEDY; HELEN KELLY; MARY THORNE; KENNETH L. PHILLIPS

Appellants

v.

THE BRADDOCK CEMETERY; CONSOL ENERGY INC, the successor
and/or assign of Rheinbraun U.S. Corporation; CNX COAL,
the successor and/or assign of Consol Pennsylvania Coal
Company

No. 06-3617

KARL E. GARY; OSCAR R. IAMS; SHIRLEY J. IAMS; CHARLES W.
PHILLIPS; DAVID HIGGENBOTHAM; JUDITH HIGGENBOTHAM; MARY ANN
NEELY; CHARLES AMBROSE WHITLATCH, JR.; DEBRA ANN WHITLATCH;
DONALD WHITLATCH; FRANCIS E. WHITLATCH; HENRY ABNER
WHITLATCH;
NORMA JEAN WHITLATCH; ROBERT PHILLIPS; WILLIAM H. WHITLATCH;
KATHY L. WHITLATCH; ALFRED R. CHAMBERS, as power of Attorney
for Gary J. Pierson; ALFRED R. CHAMBERS, JR.; ALFRED R.
CHAMBERS, as Power of Attorney for Winifred J. Pierson;
PAUL R. PHILLIPS; BARBARA SWARTZMILLER; CHARLES E.
WHITLATCH; PATRICIA WHITLATCH; NETTIE PHILLIPS MORRIS; EDNA
PHILLIPS SCHRADER; VIRGINIA KENNEDY; HELEN KELLY; MARY THORNE;
KENNETH L. PHILLIPS

v.

THE BRADDOCK CEMETERY; CONSOL ENERGY, the successor and/or
assign of Rheinbraun U.S. Corporation; CNX COAL, the successor
and/or assign of Consol Pennsylvania Coal Company

Consol Energy; CNX Coal,

Appellants

No. 06-3680

KARL E. GARY; OSCAR R. IAMS; SHIRLEY J. IAMS; CHARLES W.
PHILLIPS; DAVID HIGGENBOTHAM; JUDITH HIGGENBOTHAM; MARY ANN
NEELY; CHARLES AMBROSE WHITLATCH, Jr.; DEBRA ANN WHITLATCH;
DONALD WHITLATCH; FRANCIS E. WHITLATCH; HENRY ABNER
WHITLATCH;
NORMA JEAN WHITLATCH; ROBERT PHILLIPS; WILLIAM H. WHITLATCH;
KATHY

L. WHITLATCH; ALFRED R. CHAMBERS, as power of Attorney for
Gary J. Pierson; ALFRED R. CHAMBERS, JR.; ALFRED R. CHAMBERS,
as Power of Attorney for Winifred J. Pierson; PAUL R. PHILLIPS;
BARBARA SWARTZMILLER; CHARLES E. WHITLATCH; PATRICIA
WHITLATCH; NETTIE PHILLIPS MORRIS; EDNA PHILLIPS SCHRADER;
VIRGINIA KENNEDY; HELEN KELLY; MARY THORNE; KENNETH L. PHILLIPS

v.

BRADDOCK CEMETERY; CONSOL ENERGY, the successor and/or assign
of RHEINBRAUN U.S. Corporation; CNX COAL, the successor and/or
assign of Consol Pennsylvania Coal Company

CONSOL ENERGY, the successor and/or assign of Rheinbraun U.S.
Corporation; CNX COAL, the successor and/or assign of Consol
Pennsylvania Coal Company,

Appellants

On Appeal from the United States District Court
for the Western District of Pennsylvania

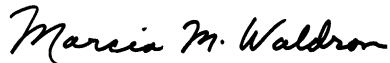
D.C. No. 05-cv-01438
ORDER AMENDING OPINION

At the direction of the Court, Appellees CONSOL Energy and Consol Pennsylvania Coal Company's motion to amend the opinion to include Christopher P. Furman, Esq. as counsel for Appellees is granted. The designation of attorneys for Appellees CONSOL Energy and Consol Pennsylvania Coal Company is amended as follows:

Joseph A. Katarincic
Jerri A. Ryan
Christopher P. Furman
Thorp, Reed & Armstrong
301 Grant Street
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219

Attorneys for Consol Energy and CNX Coal

For the Court,



Marcia M. Waldron, Clerk

Dated: February 21, 2008

CRG/cc: Colm W. Kenny, Esq.

Louis M. Tarasi, Esq.

Rodger L. Puz, Esq.

Christopher P. Furman, Esq.

Joseph A. Katarincic, Esq.

Jerri A. Ryan, Esq.